

REMARKS

Claims 1-39 are pending in the Application and all are rejected in the Office Action. Although the Applicants respectfully traverse the rejections, the Applicants amended claims 1, 3, 4, 12, 13, 15, 17-19, 21-30, 32, and 36 to expedite further prosecution of the Application. Claims 1, 17 and 32 are independent claims. Claims 2-16, 18-31 and 33-39 depend, respectively, from independent claims 1, 17 and 32. The Applicants respectfully request reconsideration of pending claims 1-39, in light of the following remarks.

Support for the amendments to claims can be found at least with respect to FIGs. 2A, 2B, and 2C, and paragraphs [0056] – [0057], [0063] – [0064], and [0066] – [0076] of the Specification.

The Applicants respectfully request reconsideration of the pending claims 1-39 in light of the following remarks.

Rejections of Claims

Claims 1-4, 6, 7, 10-19, 21, 22, and 25-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2004/0031029 by Lee et al. (hereinafter “Lee”), in view of Meyerson (US Patent 6,976,251).

Claims 8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, in view of Meyerson, and further in view of Kikinis (US Patent 5,708,776; hereinafter “Kikinis”).

Claims 5, 9, 20, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, in view of Meyerson, and further in view of Yang et al. (US 2003/0065738; hereinafter “Yang”).

The Applicants respectfully traverse all rejections.

Rejections of claims 1, 17, and 32 under 35 U.S.C. §103(a)

Claims 1, 17, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Meyerson for the same reasons as stated in the previous Office action mailed on July 10, 2007 (hereinafter, “July Office Action”). The

Applicants respectfully traverse the rejection, however, the Applicants amended claims 1, 17, and 32 to expedite further prosecution.

The Applicants gratefully acknowledge the Examiner's suggestion in the interview of March 11, 2008, that the claims 1, 17, and 32 be amended to include a limitation regarding data structure similarly as in claims 12, 13, or 14. The amended claims 1, 17, and 32 are quoted below, with the added limitations bolded.

Claim 1. An electronic device network, the network comprising:
a plurality of servers;
a plurality of electronic devices communicatively coupled to at least one of the plurality of servers, each of the electronic devices being adapted to employ at least one of a plurality of update agents resident in the electronic device, wherein the update agent employed is selected to correspond to a type of update information received by the electronic device from the at least one of the plurality of servers, wherein the selected update agent processes the received update information to modify a first version of one of software and firmware in the electronic device to a second version, and wherein the electronic device is also adapted to provision the plurality of update agents with parameters and data used to facilitate update operations in the electronic device; and
a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device.

Claim 17. A method employing a plurality of update agents in an electronic device in an electronic device network, the method comprising:
communicatively coupling a plurality of electronic devices to at least one of a plurality of servers;
selecting at least one of a plurality of update agents resident in the electronic device to modify a first version of one of software and firmware in the electronic device to produce an updated version, wherein each of the plurality of update agents is arranged to process a corresponding type of update information received from the at least one of a plurality of servers; and
provisioning the plurality of update agents with parameters and data used to facilitate update operations in the electronic device, **wherein a database is used for accessing the plurality of provisioned update agents.**

Claim 32. An electronic device operable in an electronic device network, the electronic device comprising:
non-volatile memory comprising a first version of code;

communication circuitry for receiving, from at least one server in the electronic device network, update information having an associated type;
code resident in and executable by the electronic device, the code comprising a plurality of provisioned update agents selectable to cause processing of a corresponding type of received update information, to update a related code portion of the first version of code to an updated version, **wherein a database in the electronic device enables accessing of the plurality of provisioned update agents;**
wherein the processing modifies the related code portion of the first version of code to produce the updated version; and
wherein a provisioned update agent is selected to perform an update based upon the type of the received update information.

As can be seen, the Applicants added a limitation for "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device" for claim 1. Similarly, the Applicants added a limitation of "wherein a database is used for accessing the plurality of provisioned update agents" for claim 17, and a limitation of "wherein a database in the electronic device enables accessing of the plurality of provisioned update agents" for claim 32.

The Applicants respectfully submit that the amended claims 1, 17, and 32 are not unpatentable over Lee in view of Meyerson, as the combination of Lee and Meyerson does not disclose all of the elements of the amended claims 1, 17, and 32. The Applicants were not able to find, for example, a disclosure of "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device" as stated in claim 1, nor the similarly stated limitations in claims 17 and 32.

For example, while Lee does disclose an "update parameters database," there is no mention of "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device."

Rather, the database in Lee exists externally to the various electronic devices in a network. Lee: FIGs. 3 & 4; paragraphs 20, 35-38, 43-48. Lee states that "[g]enerally speaking, the administrator console may access an update parameters database that contains information pertaining to the different software components in the various networked devices." Paragraph 20. Accordingly, Lee discloses a database that comprises information that a systems administrator can use to update each of the

networked devices. Lee does not disclose "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device."

Meyerson also does not disclose "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device." However, although Meyerson does not specifically disclose a database, it may be argued that Meyerson has a database that is used for updating a device (the Applicants suggest this argument in a purely hypothetical sense, and do not believe this argument to be true). The Applicants respectfully submit that whatever Meyerson discloses is not "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device."

For example, Meyerson discloses that in step 12, the electronic device requests software update information from a server. Column 4, lines 10-14; column 5, lines 2-5. The electronic device will then receive software update information from the server, and the information may comprise addresses for update files for one or more software programs in the electronic device, address(es) for a criticality program that can check criticality of the update, and initial criticality rating for each software update. Column 4, line 38 to column 5, line 9.

However, even if this information downloaded from a server is argued to be a database (which the Applicants do not), it is certainly not "a database in each of the plurality of electronic devices for accessing the plurality of provisioned update agents in a corresponding electronic device."

Therefore, the Applicants believe that the amended claims 1, 17 and 32 are allowable over the proposed combination of Lee and Meyerson, for at least the reasons set forth above. Applicants respectfully submit that since claims 2-16, 18-31 and 32-39 depend from allowable independent claims 1, 17 and 32, claims 2-16, 18-31 and 32-39 are also allowable, for at least the reasons set forth above. The Applicants respectfully request, therefore, that the rejection of claims 1-39 under 35 U.S.C. 103(a) be withdrawn.

Conclusion

In general, the Office Action makes various statements regarding claims 1-39 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim). The Applicants also reserve the right to reiterate previous arguments made in prosecution of this Application, as well as the right to add to the previous arguments.

The Applicants believe that all of pending claims 1-39 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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